

Basics of Violence Against Women Act

With the 2016 VAWA Reauthorization Act by Congress of the [Violence Against Women Act \(VAWA\)](#) of 2013, the Low Income Housing Tax Credit program was added to the list of covered programs. The VAWA protections apply to all victims of domestic violence and other related crimes, regardless of sex, gender identity or sexual orientation. The following housing programs are covered by VAWA:

- Public Housing
- Section 8 Housing Choice Vouchers
- Project-based Section 8
- Section 202 Supportive Housing for the Elderly
- Section 811 Supportive Housing for People with Disabilities
- Section 236 Multifamily Rental Housing
- Section 221(d)(3) Below Market Interest Rate (BMIR)
- HOME Investment Partnerships Program (HOME)
- Housing Opportunities for Persons with Aids (HOPWA)
- McKinney-Vento Homeless Assistance Act
- Rural Development Multifamily Programs
- Low Income Housing Tax Credit (34 USC Section 12491(a)(3))
- Housing Trust Fund (24 CFR Section 5.2003)

With VAWA protections, an applicant or tenant of housing assisted units under the above listed programs may not be denied admission, denied assistance, terminated or evicted from housing on the basis that they are a victim of domestic violence, dating violence, sexual assault or stalking. The applicants/tenants must also otherwise qualify for admission, assistance, participation or occupancy. An incident of domestic violence, dating violence, sexual assault or stalking shall not be considered a lease violation by the victim, nor shall it be considered good cause for an eviction. If a tenant who is a victim requests an early lease termination, lease bifurcation from the abuser or transfer to another unit because she/he feels that she/he is in danger, an owner/owner agent shall make every effort to comply with the request and shall not penalize the tenant.

Adherence to the requirements of VAWA is required for all Ohio Housing Finance Agency (OHFA) funded programs, including LIHTC, HOME, National Housing Trust Fund (NHTF), and Ohio Housing Trust Fund (OHTF). Projects that received funding of HOME or NHTF are required to follow the [HUD 2013 VAWA Final Rule](#). OHFA recommends projects with HTC funding follow the [HUD 2013 VAWA Final Rule](#) when implementing VAWA Rule protections for their tenants.

Applicants/tenants must be informed of their rights under VAWA. OHFA requires use of the [HUD Notice of Occupancy Rights under VAWA form 5380](#) and language incorporated into tenant selection plans. The OHFA Tax Credit Lease Addendum contains language regarding following VAWA. However, additional language regarding VAWA can be incorporated into the lease or the [HUD VAWA Lease Addendum](#) may be used in addition to the OHFA Addendum.

Each owner/owner agent is required to have an emergency transfer plan (see [HUD Model Plan](#)) for victims seeking safety, which incorporates reasonable confidentiality measures to ensure that the owner/owner agent does not disclose the location of the dwelling unit of a tenant to a person that has committed an act of violence or stalking against the tenant.

OHFA recommends the use of HUD forms when rights under VAWA are invoked, which include the [Certification of Domestic Violence form 5382](#) and the [Emergency Transfer Request form 5383](#). Other possible documentation includes an affidavit signed by the victim under penalty of perjury, an affidavit or letter signed by a domestic violence service provider, attorney or medical/mental health professional who assisted the victim; or a court or administrative record. **This submission shall be confidential.** HUD also provides [VAWA forms in multiple languages](#).

Links for Guidance and related VAWA forms:

- Final Rule: Violence Against Women Act 2013 (VAWA 2013)
<https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>
- Violence Against Women Reauthorization Act of 2013
<https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>
- Violence Against Women Act Reauthorization Act of 2016
<https://www.congress.gov/bill/114th-congress/senate-bill/3434/related-bills?r=2&s=1>
- Violence Against Women Act Reauthorization Act of 2022
<https://www.congress.gov/bill/117th-congress/senate-bill/3623?s=1&r=2>
- OHFA Tax Credit Lease Addendum
<http://ohiohome.org/compliance/documents/LIHTC-LeaseAddendum.pdf>
- HUD VAWA Lease Addendum form 91067
<http://ohiohome.org/compliance/documents/91067.doc>
- HUD Notice of Occupancy Rights under VAWA form 5380
<http://ohiohome.org/compliance/documents/5380.docx>
- HUD Model Emergency Transfer Plan form 5381
<http://ohiohome.org/compliance/documents/5381.docx>
- Certification of Domestic Violence form 5382
<https://ohiohome.org/compliance/documents/5382.docx>
- Emergency Transfer Request form 5383
<http://ohiohome.org/compliance/documents/5383.docx>
- VAWA forms in multiple languages
https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms/hud5a